

RESOLUTION NUMBER Z-99-043

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Lamb of God Lutheran Church filed an application to rezone a parcel from Agricultural (AG-2) to Commercial Planned Development (CPD) in reference to Andre's CPD, in accordance with the Lee County Land Development Code (LDC); and

WHEREAS, a public hearing was advertised and held on June 30, 1999 before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #99-04-236.02Z 01.01; and

WHEREAS, a second public hearing was advertised and held on August 16, 1999 before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents in the record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone a 2.62+/- parcel from AG-2 to CPD. The property is located in the Urban Use Category and described in attached Exhibit A. The Lee County Board of County Commissioners APPROVES WITH CONDITIONS the Applicant's request, in accordance with the conditions and deviations specified in Sections B and C.

SECTION B. CONDITIONS:

1. The development of this project must be consistent with the four page Master Concept Plan entitled "Andre's CPD," dated April 1999, stamped received April 22, 1999 by the Zoning Counter, except as modified by the conditions below. This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
2. The list of permitted uses is limited to the following

Schedule of Uses

Administrative Offices
ATM
Auto Parts Stores
Business Services (Group I)
Clothing Stores, General

Communication Towers, 100 feet or less in height
 Consumption on Premises, in conjunction with a restaurant
 Drive-Thru Facilities (Drug Store, Pharmacy only)
 Drug Store, Pharmacy
 Essential Services
 Essential Services Facilities, Group I
 Fences, Walls
 Food Stores, Group I
 Gift and Souvenir Shops
 Hardware Store
 Health Care Facility, Group III
 Hobby, Toy, and Game Shops
 Household and Office Furnishings (All Groups)
 Indoor Storage (Accessory to a permitted use)
 Library
 Medical Office
 Parking Lot, Accessory
 Personal Services (Group I)
 Place of Worship
 Real Estate Sales Office
 Religious Facilities
 Restaurant (Groups I, II, & III)
 Signs, in accordance with Chapter 30
 Specialty Retail Shops (Groups I and II)
 Studios

3. Development of the subject property must comply with the following Property Development Regulations:

Minimum Setbacks-Building and Structures:

Street: 25 feet
 Side: 15 feet
 Rear: 20 feet

Maximum Lot Coverage: 40 percent
 Maximum Building Height: 35 feet above grade
 Maximum Building Area: 5,000 square feet

4. Prior to local development order approval, the applicant must make every reasonable effort to preserve the existing native trees (South Florida slash pine, live oak, and sabal palms) on-site.
5. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

6. Approval of this rezoning does not give the Developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).
7. This development must comply with all of the requirements of the LDC at the time of local development order approval.

SECTION C. EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: The legal description and STRAP number of the property.
Exhibit B: The Master Concept Plan
Exhibit C: Zoning Map

SECTION D. FINDINGS AND CONCLUSIONS:

1. The Applicant has proved entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and any other applicable code or regulation.
2. The requested rezoning, as conditioned
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request.
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan.
 - c. is compatible with existing or planned uses in the surrounding area.
 - d. will not adversely affect environmentally critical areas and natural resources.
3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development.
4. The proposed use or mix of uses is appropriate at the subject location.
5. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest.
6. The recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
7. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve

the proposed land use.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner John E. Manning, seconded by Commissioner Andrew Coy and, upon being put to a vote, the result was as follows:

Ray Judah	Aye
John E. Albion	Absent
John E. Manning	Aye
Douglas R. St. Cerny	Aye
Andrew Coy	Aye

DULY PASSED AND ADOPTED this 16th day of August, 1999.

ATTEST
CHARLIE GREEN, CLERK

BY: Michelle B. Leismer
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Ray Judah
Chairman

Approved as to form by:

David E. McInerney 8/17/99
County Attorney's Office

FILED AUG 18 1999

MINUTES OFFICE
mgl

EXHIBIT "A"

LEGAL DESCRIPTION

The applicant has indicated that the STRAP number for the subject property is:17-46-25-00-00009.0000

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the Southwest Quarter (SW¼) of Section 17, Township 46 South, Range 25 East, and further bounded and described as follows:

BEGINNING at the Northwest corner of the West One Half (W½) of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of said Section 17;

THENCE run S00°29'56"E along the East line of a fraction of Section 254.21 feet to an intersection with the North line of a parcel described in Official Records Book 165 at Page 1078 of the Public Records of said Lee County;

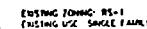
THENCE S88°03'31"W along said North line parallel with and 254.13 feet south of (as measured on a perpendicular) the North line of said fraction of section for 362.45 feet to an intersection with the Northeasterly right-of-way line of SR 45 (Tamiami Trail - US 41 - 200 feet wide);

THENCE N36°59'07"W along said right-of-way for 39.84 feet to the beginning of a curve concave to the Northeast having a radius of 2,159.53 feet;

THENCE Northerly along said curve and right-of-way through a central angle of 06°54'10" for 260.21 feet to an intersection with said North fractional line;

THENCE N88°03'31"E along said North fractional line for 527.96 feet to the POINT OF BEGINNING.

Said parcel contains 2.62 acres, more or less.



LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA,
COUNTY OF LEE, BEING A PART OF THE SOUTHWEST ONE QUARTER (SW 1/4)
OF SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AND FURTHER
IDENTIFIED AND DESCRIBED AS FOLLOWS:

[illegible]

EXISTING BUILDING. EPO. TAKE SEC AT 1400 G.C.
EXISTING USE - VACANT

APPROVED

Master Concept Plan

Site Plan # 99-043 Page 2 Of 4

Subject to conditions in Resolution E-99-043

Zoning Case # 99-04-236.02Z01.0

EXHIBIT II-B-1
EXHIBIT II-B-2
EXHIBIT II-F-3
EXHIBIT IV-C
EXHIBIT IV-E



PRINTED

APR 22 1991

DATE: APRIL 1993
REVISION DATE:
FILE: ANDRENOT
DRAWING NUMBER:

RECEIVED
APR 22 1979
4 30 AM
COUNT

EXHIBIT B

ANDRE'S CPD

MASTER CONCEPT PLAN

GENERAL NOTES

PROPERTY DEVELOPMENT REGULATIONS

- 1.) ALL DEVELOPMENT WITHIN THIS PLANNED DEVELOPMENT MUST BE IN ACCORDANCE WITH THE FOLLOWING:

MINIMUM BUILDING SETBACKS

STREET R/W	SOX	REAR
35'	15'	20'

MAXIMUM BUILDING HEIGHT

35 FEET

MAXIMUM BUILDING AREA

5,000 SQUARE FEET

REQUIRED PARKING

PROVIDED AT THE TIME OF DEVELOPMENT ORDER

SCHEDULE OF USES

ADMINISTRATIVE OFFICES
ATM
AUTO PARTS STORE
BUSINESS SERVICES (GROUP I)
CLOTHING STORES, GENERAL
COMMUNICATION TOWERS, 100 FEET OR LESS IN HEIGHT
CONSUMPTION ON PREMISES
DRIVE-THROUGH FACILITY, ANY USE
DRUGSTORE, PHARMACY
ESSENTIAL SERVICES
ESSENTIAL SERVICES FACILITIES, (GROUP I)
FENCES, WALLS
FOOD STORES, (GROUP I)
GIFT AND SOUVENIR SHOP
HANDWARE STORE
HEALTH CARE FACILITIES, (GROUP II)
HOBBY, TOY AND GAME SHOPS
HOUSEHOLD AND OFFICE FURNISHINGS (ALL GROUPS)
LIBRARY
MEDICAL OFFICE
PARKING LOT, ACCESSORY
PERSONAL SERVICES (GROUP I)
PHARMACY
PLACE OF WORSHIP
REAL ESTATE OFFICE
RELIGIOUS FACILITIES
RESTAURANTS (GROUPS I, II, III AND IV)
SIGNS IN ACCORDANCE WITH CHAPTER 20
SPECIALTY RETAIL SHOPS (GROUPS I, II)
STORAGE, INDOOR
STUDIOS

OPEN SPACE CALCULATIONS

NET AREA	2.624 ACRES
OPEN SPACE REQUIRED:	0.79 ACRES (30%)
OPEN SPACE PROVIDED:	0.79 ACRES (30% MINIMUM)
INDOOR OPEN SPACE REQUIRED:	0.00 ACRES *
INDOOR OPEN SPACE PROVIDED:	0.00 ACRES

* NO INDOOR OPEN SPACE ON SITE

SCHEDULE OF DEVIATIONS

NONE

GENERAL NOTES

- 1.) ALL REQUIREMENTS WILL BE IN ACCORDANCE WITH THE LDC, EXCEPT AS MAY BE PROVIDED ON THE MASTER CONCEPT PLAN.
- 2.) ALL FUTURE REVISIONS TO THE EXISTING BUILDING FOOTPRINT AND PARKING CONFIGURATION WILL BE CONSISTENT WITH THE PROPERTY DEVELOPMENT REGULATIONS ABOVE.
- 3.) NO CHANGE IN EXISTING ACCESS POINTS IS PROPOSED.

SITE DATA

LEE PLAN DESIGNATION:	URBAN COMMUNITY
ZONING DESIGNATION:	AC-2, AGRICULTURE
EXISTING LAND USE:	CHURCH
PROPOSED ZONING DESIGNATION:	CPD
GROSS AREA:	2.624 ACRES
STRIP NUMBER:	17-44-25-00-00009.0000

APPROVED

Master Concept Plan

Site Plan # 99-043 Page 3 of 4

Subject to conditions in Resolution Z-99-043

Zoning Case # 99-04-236.02Z
01.01

EXHIBIT IV-G



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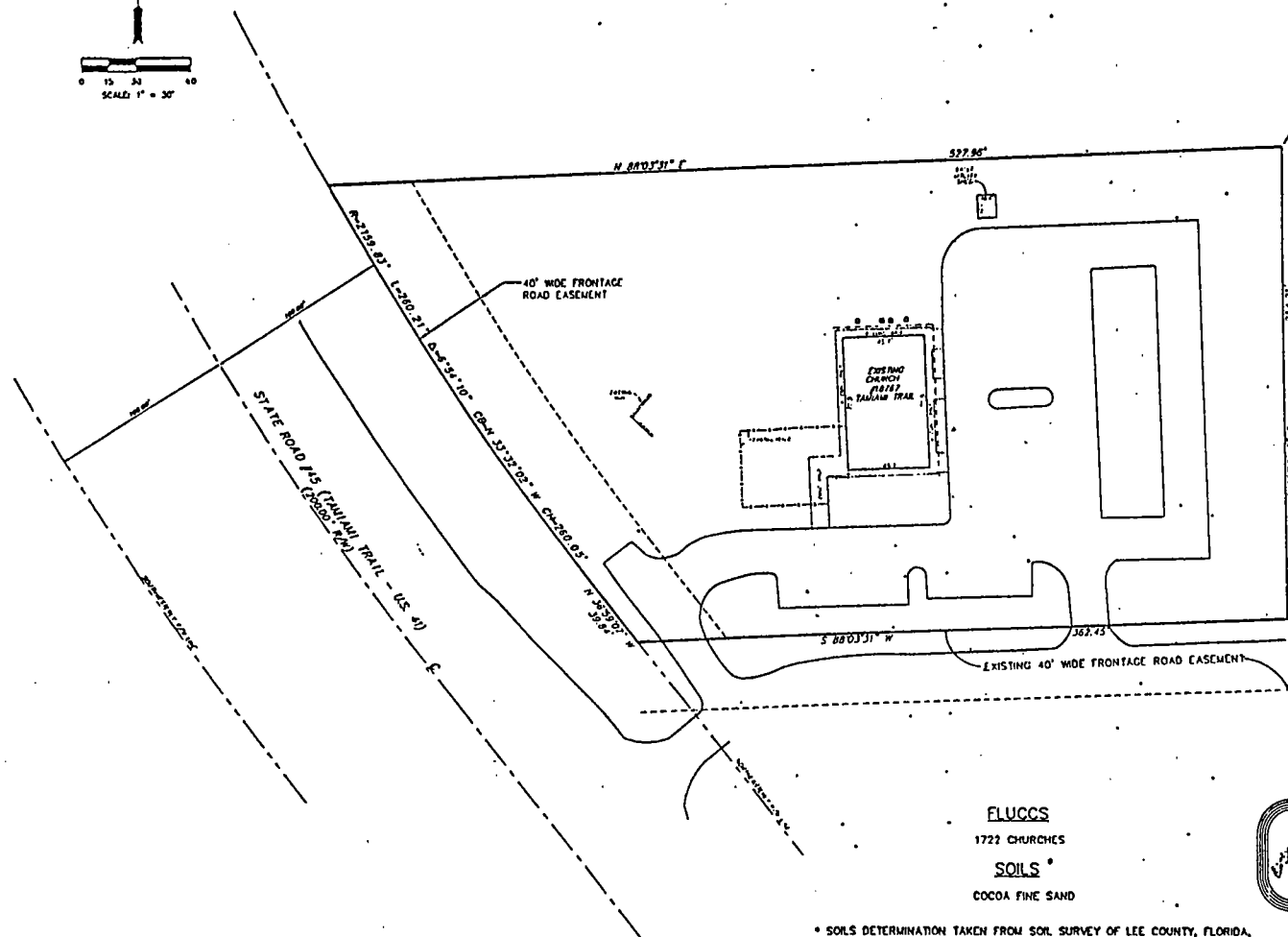
Q. GRADY MINOR & ASSOCIATES, P.A.
CIVIL ENGINEERS & LAND SURVEYORS

DATE: APRIL, 1999
REVISION DATE:
FILE: ANDRENOT
DRAWING NUMBER: 3 of 4

RECEIVED
APR 22 1999
COUNTING COUNTER

ANDRE'S CPD

SOILS AND VEGETATION MAP



FLUCCS
1722 CHURCHES
SOILS
COCOA FINE SAND

* SOILS DETERMINATION TAKEN FROM SOIL SURVEY OF LEE COUNTY, FLORIDA,
SOIL CONSERVATION SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE.

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Master Concept Plan

Site Plan # 99-043 Page 4 of 4

Subject to conditions in Resolution 99-093

Zoning Case # 99-04-236.002 of 01

EXHIBIT II-F-3
EXHIBIT II-F-4



DATE: APRIL, 1999
REVISION DATE: _____
FILE: ANDREMAP
DRAWING NUMBER: 4 OF 4

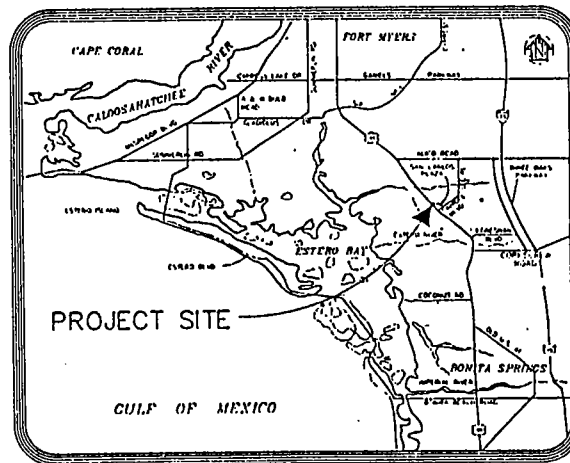
RECEIVED
APR 22 1999
ZONING COUNTER

ANDRE'S CPD

LOCATED IN:
SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY,
FLORIDA

OWNER/DEVELOPER:

ANDRE COTTONI
532 WHISPERING PINES LANE
NAPLES, FLORIDA 34103



LOCATION MAP
N.T.S.

INDEX OF DRAWINGS

DWG. No.	DESCRIPTION
1	COVER SHEET AND INDEX OF DRAWINGS
2	MASTER CONCEPT PLAN
3	GENERAL NOTES
4	SOILS AND VEGETATION MAP

APPROVED

Master Concept Plan

PREPARED BY:

Q. GRADY MINOR AND ASSOCIATES, P.A.

CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS

3000 VIA DEL REY

DONITA SPRINGS, FLORIDA 34134

PHONE: (841) 947-1144 FAX: (841) 947-0275

Site Plan # 99-043 Page 1 of 4 99-04-236-02 7 01.01

Subject to conditions in Resolution 99-043 PROJECT # 13

Project Case # 99-04-236.02 01.01 EXHIBIT II-D

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APR 22 1999
PERMIT COUNTY

DATE: APRIL, 1999
REVISION DATE:
FEE: ANDRECOV
DRAWING NUMBER: 1 OF 4

